

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

DAVID C. JULIEN

PLAINTIFF

v.

Civil No. 06-5157

DEPUTY WASHBOURN;
ET AL.

DEFENDANTS

O R D E R

Plaintiff's complaint was filed in this case on August 23, 2006. Before the undersigned is the issue of whether the complaint should be served. In order to assist the court in making such determination, it is necessary that plaintiff provide additional information.

Accordingly, it is ordered that plaintiff, David C. Julien, complete and sign the attached addendum to his complaint, and return the same to the court by **October 11, 2006**. Plaintiff is advised that should he fail to return the completed and executed addendum by October 11, 2006, his complaint may be dismissed without prejudice for failure to prosecute and/or for failure to obey an order of the court.

IT IS SO ORDERED this 13th day of September 2006.

/s/ Beverly Stites Jones
UNITED STATES MAGISTRATE JUDGE

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DAVID C. JULIEN

PLAINTIFF

v. Civil No. 06-5157

DEPUTY WASHBOURN;
ET AL.

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ADDENDUM TO COMPLAINT

TO: DAVID C. JULIEN

This form is sent to you so that you may assist the court in making a determination as to the issue of whether the complaint should be served upon the defendants. Accordingly, it is required that you fill out this form and send it back to the court **by October 11, 2006**. Failure to do so will result in the dismissal of your complaint.

The response must be legibly handwritten or typewritten, and all questions must be answered completely in the proper space provided on this form. If you need additional space, you may attach additional sheets of paper to this addendum.

RESPONSE

In your complaint, you allege your rights were violated in a number of ways while you were incarcerated at the Washington County Detention Center. Specifically, you allege the following: Deputy Washbourn used excessive force against you on November 20, 2005; Nurse Susan Johnson denied you adequate medical care; you were prevented from obtaining the "right legal work;" and something was put in your food on May 2, 2006, and then you were jumped on again.

1. Provide the dates of your incarceration at the Washington County Detention Center (WCDC). (In answering, be specific).

Answer:

2. Were you incarcerated at the WCDC solely because of pending criminal charges?

Answer: Yes _____ No _____.

If you answered yes, please state what charges you had pending against you.

If you answered no, please state whether you were serving a sentence or if your probation, parole, or supervised release had been revoked.

3. Do you contend Nurse Susan Johnson was deliberately indifferent to your serious medical needs?

Answer: Yes _____ No _____.

If you answered yes, please state: (a) what your serious medical needs were; and (b) how Nurse Johnson exhibited deliberate indifference to your serious medical needs.

If you answered no, please state how Nurse Johnson violated your federal constitutional rights.

4. Did you suffer any physical injury because of the delay in your receiving medical care at the WCDC?

Answer: Yes _____ No _____.

If you answered yes, please describe: (a) the injuries you suffered; (b) the symptoms you experienced; (c) the severity of the symptoms; (d) whether you sought, or received, medical treatment as a result of the injuries; and (e) how long it took you to recover from the injuries.

5. You have listed a number of individuals as defendants and indicate they were witnesses. Specifically, you have listed the following individuals: Deputy Strokes; Jeremy Reynolds; Robin Toland; Ramone Osborne; M. Kinlaw; Bobby Richards; John Doe Deputy; Antonlo Lathon; John Doe Witness; Deputy Whitehouse; Deputy Hatcher; and Whitney C. Sheppard.

Have you named these individuals as defendants solely because they were witnesses to some of the events at issue in this case?

Answer: Yes _____ No _____.

If you answered no, please state how you believe each of these individuals violated your federal constitutional rights.

6. You indicate you were denied proper legal assistance and were prevented from obtaining the right legal work. In grievances attached to your complaint, you ask for notary services and state you need these services in connection with legal documents. Is your claim that you were denied adequate "legal assistance" or the "right legal work" based on the fact that you were not provided with the services of a notary?

Answer: Yes _____ No _____.

If you answered yes, please state: (a) what document or documents you needed notarized; (b) whether the court required the document to be notarized or you merely wanted it notarized; (c) whether the documents needed in connection with a civil case or a criminal case; and (d) whether you had an attorney representing you in the case.

If you answered no, please state how you were denied "legal assistance" or the "right legal work."

7. Did you miss any deadlines for filing any documents with a court or were you unable to pursue any claim because you did not have “legal assistance” or the “right legal work?”

Answer: Yes _____ No _____.

If you answered yes, please state what deadline you missed or what claim you were unable to pursue. In answering, be specific.

8. You indicate Deputy Washbourn used physical force against you on November 20, 2005. Please indicate: (a) what was occurring when he used force against you; (b) the amount of force he used; (c) whether you were resisting him in anyway; (d) whether you were charged with a crime or disciplinary violation as a result of your actions; and (e) any injuries you sustained.

Answer:

9. On May 2, 2006, you allege something was put in your food and you were jumped on.

(A). What was put in your food?

Answer:

(B). Who put something in your food?

Answer:

(C). Who jumped on you?

Answer:

(D). Were you injured?

Answer:

10. You have listed a number of individuals as defendants without mentioning any actions taken by them. With respect to each of the following individuals, state how you believe he or she violated your federal constitutional rights.

Deputy Cuzcik:

Cpl. M. Freeman:

Deputy D. Eaton:

Deputy Bean:

Sgt. Cambron:

Deputy Barker:

Deputy Farber:

Deputy J. Conner:

Deputy Kern:

John Doe (Dr.):

Deputy Renna:

Cpl. Wilson:

11. With respect to Deputy Kern, are you referring to Wesley Kern?

Answer: Yes _____ No _____.

If you answered yes, the court has been notified in other cases that Wesley Kern died in an automobile accident. If you wish to pursue an individual capacity case, Kern's estate will need to be substituted as a defendant. Do you wish to pursue an individual capacity case against Kern?

Answer:

I CERTIFY THAT THE INFORMATION CONTAINED HEREIN IS COVERED BY THE VERIFICATION MADE BY ME ON MY INITIAL COMPLAINT.

DAVID C. JULIEN

DATE